

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 93-503-C - ORDER NO. 93-1099 ✓
DECEMBER 2, 1993

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| IN RE: Southern Bell - Investigation of |) ORDER GRANTING |
| Level of Earnings. |) MOTION FOR |
| |) DECLARATORY ORDER |

This matter comes before the Public Service Commission of South Carolina (the Commission) by way of a Motion for Declaratory Order filed by the Consumer Advocate for the State of South Carolina (the Consumer Advocate). Following the South Carolina Supreme Court's decision in South Carolina Cable Television Association v. The Public Service Commission of South Carolina, et al., Op. No. 23917 (S.C. Sup. Ct., filed August 9, 1993), the Commission initiated a review of the earnings, rate of return, and rates of Southern Bell to address the potential for a prospective rate reduction (See Docket No. 93-503-C.) By its Motion for Declaratory Order, the Consumer Advocate asks the Commission to declare that Docket No. 93-503-C will be the venue for all matters that parties wish to raise with regard to Southern Bell's earnings.

On November 30, 1993, the Commission heard oral arguments on the Consumer Advocate's Motion for a Declaratory Order. In its argument, the Consumer Advocate asserted it does not request that the Commission make any ruling on the merits of such matters, only

that the Commission agree to address the matters in the context of this proceeding. The Consumer Advocate asserted that the practical effect of such a Declaratory Order would be to put all parties on notice that the review of 1992 company earnings, which will be used to determine an appropriate revenue requirement going forward, could also, if the Commission deems it appropriate, be used to determine potential refunds, credits, or further adjustments to rates going forward.

Representatives of AT&T of the Southern States, the South Carolina Cable Television Association, the Division of Information Resource Management, LDDS of Carolina, Inc. and Marlene J. Sowell supported the Consumer Advocate's motion. The South Carolina Public Communication Association and Commission Staff did not take a position on the motion. Southern Bell spoke against the motion. Southern Bell argued that the Commission had no legal authority to adjust its rates retroactively.¹

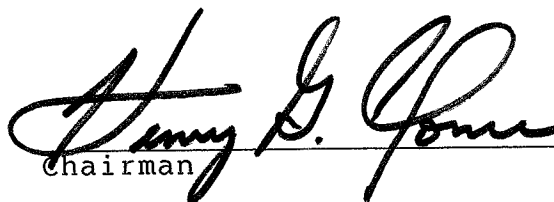
The Commission believes, and so finds, that the Motion of the Consumer Advocate for Declaratory Order should be granted and hereby orders that Docket No. 93-503-C will be the venue for all matters which the parties may wish to raise with regard to

1. Neither Sprint Communications nor MCI Telecommunications Corporation appeared at the hearing.


Southern Bell's earnings. This Order shall remain in full force and effect until further Order of the Commission.

IT IS SO ORDERED.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)